

REMARKS

Claims 1-28 are pending in the above-captioned application.

In the Office Action, the Examiner rejected claims 1, 10, and 20-25 under 35 U.S.C. 112, second paragraph; rejected claims 1-3, 5-12, 17-20, and 26-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,774,053 to Porter; and rejected claims 4, 13-14, and 21-25 under 35 U.S.C. 103(a) as being unpatentable over Porter in view of U.S. Patent No. 4,988,992 to Heitschel et al.

Applicants respectfully traverse the Examiner's rejection of claims 1, 10, and 20-25 under 35 U.S.C. 112, second paragraph. The Examiner acknowledges at page 2 of the Office Action that Applicant can act "as his or her own lexicographer," but alleges that the claimed first, second, third and fourth keys "mean 'alphanumeric code'", for which the "specification does not clearly redefine the term [key]." Applicants respectfully disagree with the Examiner's characterization of what the term "key" means as described in the specification and recited in the claims. As clearly set forth in the specification, "[f]or purposes of the following description, the term 'key' refers to an arrangement of numbers, characters, symbols, or any combination thereof, which may be recognized by (1) both a programmable device and a human or (2) a programmable device alone" (specification at page 5, line 3). Thus, the specification properly puts one reasonably skilled in the art on notice of Applicants' usage of the term "key." Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejection of claims 1, 10, and 20-25 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the Examiner's rejection of claims 1-3, 5-12, 17-20, and 26-28 as being anticipated by Porter. In order for a claim to be anticipated by a prior art reference under 35 U.S.C. § 102, all elements of the claim must be present in the reference. "A claim is anticipated only if each and every element as set forth in the claim is found, either

expressly or inherently described, in a single prior art reference.” MPEP 2131. “The identical invention must be shown in as complete detail as is contained in the … claim.” MPEP 2131.

Each of the claims of the present invention is drawn to a combination of structural elements that is patentable over the disclosure of Porter. With regard to independent claim 1, Porter at least fails to disclose at least “a programmable unit to generate a first and second key for each access to the designated area,” “a programming unit to generate an access key using the first key,” and “a validation system including a control unit to generate a validation key using the second key....”

Porter teaches a communication apparatus 16 including a controller 46 and a transmitting device 48. Controller 46 stores, in a memory, a plurality of codes assigned to unique vendors (col. 5, lines 38-46), and is electrically coupled with keypad 26. When a key code is entered into keypad 26, such as by a vendor, controller 46 compares the entered code to codes stored in its memory to determine if access should be granted (cols. 5-6, lines 65-11). The vendor codes stored in controller 46 of Porter are not generated upon each access to the designated area. Rather, the vendor codes remain unchanged for each access, unless changed by the vendor or the homeowner (col. 7, lines 46-48). Thus, Porter does not disclose a programmable unit to generate “a first and second key for each access to the designated area,” (emphasis added).

Moreover, controller 46 merely stores vendor codes that are compared to the input of keypad 26. Controller 46 does not generate a first and second key for use by, for example, the vendor and the customer, respectively. Accordingly, Porter does not teach “a programming unit to generate an access key using the first key” or “a control unit to generate a validation key using the second key” (emphasis added).

For at least these reasons, Porter fails to anticipate independent claim 1. Claims 2-3, 5-12, and 17-19 depend from claim 1 and therefore include the same patentable combination of elements, while reciting additional elements that further distinguish over the applied prior art. Accordingly, Applicants submit that the Examiner withdraw this rejection and that claims 1-3, 5-12, and 17-19 be allowed.

Independent claim 20 recites “generating a first and second key for each access to the designated area,” “using the first key, generating an access key,” and “using the second key, generating a validation key,” and is therefore similar to claim 1 in this respect. Accordingly, at least for reasons discussed above with respect to claim 1, claim 20 is allowable over Porter and claims 26-28 are allowable at least due to their dependence from claim 20.

Applicants respectfully traverse the Examiner’s rejection of claims 4, 13-14, and 21-25 under 35 U.S.C. 103(a) as being unpatentable over Porter in view of Heitschel et al. To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. For at least the reasons stated above, Porter fails to disclose at least “a programmable unit to generate a first and second key for each access to the designated area,” “a programming unit to generate an access key using the first key,” and “a validation system including a control unit to generate a validation key using the second key....” from claims 4 and 13-14. Likewise, Porter fails to disclose at least “generating a first and second key for each access to the designated area,” “using the first key, generating an access key,” and “using the second key, generating a validation key” from claims 21-25.

The Examiner relies on Heitschel et al. allegedly for teaching subject matter of dependent claims 4, 13-14, and 21-25, which the Examiner concedes is not disclosed in Porter. In view of the argument presented above, Porter does not teach or suggest the several limitations and

elements in the independent claims. Moreover, Applicants respectfully submit that Heitschel et al. and Porter are not combinable in the manner proposed by the Examiner, because there is no teaching or suggestion of the proposed combination. Claims 4, 13 and 14 are therefore allowable at least due to their dependence from claim 1, and claims 21-25 are allowable at least due to their dependence from claim 20.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application, and a timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 9, 2004

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